

APPROVED

PLANNING COMMISSION SUBCOMMITTEE MINUTES

December 10, 2008

I. ROLL CALL

Present: Larry Ciardella, Sudhir Mandal, and Gurdev Sandhu
Staff: Ah Sing, Barbey, Brown, and Hom

1. MINOR SITE DEVELOPMENT PERMIT NO. MS08-0020

Tiffany Brown, Junior Planner, presented a request to locate a new vapor recovery system to any exiting service station located at 1640 North Milpitas Blvd. Ms. Brown recommended approving Minor Site Development No. MS08-0020 subject to the Conditions of Approval.

Motion to approve Minor Site Development Permit No. MS08-0020.

M/S: Mandal, Ciardella

AYES: 2

NOES: 0

2. MINOR SITE DEVELOPMENT PERMIT NO. MS08-0021

Tiffany Brown, Junior Planner, presented a request to modify the pedestrian trail for the Town Home Villas located on the northwest portion of the Town Center shopping Center. Ms. Brown recommended approving Minor Site Development No. MS08-0021 subject to the Conditions of Approval.

Motion to approve Minor Site Development Permit No. MS08-0021.

M/S: Ciardella, Mandal

AYES: 2

NOES: 0

3. MINOR SITE DEVELOPMENT PERMIT NO. MS08-0025

Cindy Hom, Assistant Planner, presented a request to construct a 395 square foot chain link utility enclosure and install a new 30-foot tall nitrogen storage tank at the rear of building located at 927 Gibraltar Drive. Ms. Hom recommended approving Minor Site Development No. MS08-0025 subject to the Conditions of Approval.

Motion to approve Minor Site Development Permit No. MS08-0025.

M/S: Ciardella, Mandal

AYES: 2

NOES: 0

4. MINOR SITE DEVELOPMENT PERMIT NO. MS08-0027

Cindy Hom, Assistant Planner, presented a request to install an equipment enclosure that is approximately 480 square feet in size and related equipment for a temporary soil vapor extraction system located at 1350 S. Park Victoria Drive. Ms. Home recommended approving Minor Site Development No. MS08-0027 subject to the Conditions of Approval.

Motion to approve Minor Site Development Permit No. MS08-0027.

M/S: Ciardella, Mandal

AYES: 2

NOES: 0

II. ADJOURNMENT

This meeting was adjourned at 6:55 p.m.

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I. PLEDGE OF ALLEGIANCE

Chair Williams called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

II. ROLL CALL/SEATING OF ALTERNATE

Present: Larry Ciardella, Alex Galang, Sudhir Mandal, Gurdev Sandhu,
Noella Tabladillo, and Cliff Williams
Absent: Aslam Ali
Staff: Ah Sing, Andrade, Barbey, Brown, Gilli, Hom, Lindsay, and Otake

III. PUBLIC FORUM

Chair Williams invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendaize the matter for a future meeting.

There were no speakers in the audience.

IV. APPROVAL OF MINUTES November 12, 2008

Chair Williams called for approval of the minutes of the Planning Commission meeting of November 12, 2008.

There were no changes to the minutes.

Motion to approve the minutes of November 12, 2008 as submitted.

M/S: Mandal, Galang

AYES: 6

NOES: 0

ABSENT: 1 (Aslam Ali)

ABSTAIN: 0

V. ANNOUNCEMENTS

Sheldon Ah Sing, Senior Planner, wished the Commission a safe and Happy Holiday season. Mr. Ah Sing stated that staff had prepared a proclamation for former Commissioner Ali-Santosa with a recess for cake. Chair Williams read a proclamation to former Commissioner Ali-Santosa for his hard work and commitment to the Commission. Mr. Ali-Santosa thanked the Commission and City Council for their support and friendship during his time on the Commission. He said it was a very pleasant working experience.

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**VI.
CONFLICT
OF INTEREST**

Assistant City Attorney Bryan Otake asked if any member of the Commission has any personal or financial conflict of interest related to any of the items on tonight's agenda. There were no Commissioners who identified a conflict of interest.

**VII.
APPROVAL OF
AGENDA**

Chair Williams asked whether staff or the Commission have any changes to the agenda. There were no changes to the agenda.

Motion to approve the agenda as submitted.

M/S: Sandhu, Mandal

AYES: 6

NOES: 0

ABSENT: 1 (Aslam Ali)

ABSTAIN: 0

**VIII.
CONSENT CALENDAR**

Chair Williams asked whether staff, the Commission, or anyone in the audience wished to remove or add any items to the consent calendar.

There were no changes to the consent calendar.

Chair Williams opened the public hearing on Item No. 1 and Item No. 2.

There were no speakers from the audience.

Motion to close the public hearing on Item No. 1 and Item No. 2.

M/S: Mandal, Tabladillo

AYES: 6

NOES: 0

ABSENT: 1 (Aslam Ali)

ABSTAIN: 0

Motion to approve the consent calendar on Item No. 1 and Item No. 2.

M/S: Mandal, Galang

AYES: 6

NOES: 0

ABSENT: 1 (Aslam Ali)

ABSTAIN: 0

***1 CONDITIONAL USE PERMIT NO. UA08-0013:** A request to expand a daycare center for children located at 633 and 635 S. Main Street. No exterior changes are proposed. *(Recommendation: Adopt Resolution No. 08-064 approving the project subject to Conditions of Approval.)*

***2 CONDITIONAL USE PERMIT AMENDMENT NO. UA08-0014:** A request to amend an existing Conditional Use Permit to allow the sale of alcoholic beverages for consumption on-site at an existing restaurant within the Great Mall located at 246 Great Mall Drive. *(Recommendation: Adopt Resolution No. 08-065 approving the project subject to conditions of approval.)*

Chair Williams opened the public hearing on Item No. 3 and Item No. 4.

There were no speakers from the audience.

Motion to continue Item No. 3 and Item No. 4 to the January 14, 2009 meeting.

M/S: Ciardella, Sandhu

AYES: 6

NOES: 0

ABSENT: 1 (Aslam Ali)

ABSTAIN: 0

***3 MAJOR TENTATIVE MAP NO. MT08-0002, CONDITIONAL USE PERMIT NO. UP08-0046, DEVELOPMENT AGREEMENT, OWNER PARTICIPATION AGREEMENT, AND ENVIRONMENTAL IMPACT ASSESSMENT NO. EA08-0005:** A request to subdivide a 24 acre site into nine (9) parcels for condominium purposes, establish building setbacks, improve existing roads, construction of a new local street, and create an urban plaza and public trail along Penitencia Creek. The project is located at 1315 McCandless Drive. *(Recommendation: Continue to January 14, 2009.)*

***4 MAJOR TENTATIVE MAP NO. MT08-0001, SITE DEVELOPMENT PERMIT NO. SZ07-0002, CONDITIONAL USE PERMIT NO. UP08-0045, AND ENVIRONMENTAL IMPACT ASSESSMENT NO. EA08-0004:** A request to develop an existing office campus by maintaining the existing buildings and parking lot and adding 424,814 square feet of office space in six, five story buildings and constructing an elevated parking deck. The project is located at 205 N. McCarthy Ranch Blvd. *(Recommendation: Continue to January 14, 2009.)*

**IX.
PUBLIC HEARING**

**5. MAJOR TENTATIVE
MAP NO. TM08-0002
PLANNED UNIT
DEVELOPMENT NO. PA-
08-0001 AND SITE
DEVELOPMENT
AMENDMENT NO. SA08-
0022**

Judi Gilli, Associate Planner, presented a request for approval of a Planned Unit Development Amendment and Site Development Amendment which includes a revised site design for 285 townhome units, tandem parking, modifications to open space and setbacks. The project is located at Murphy Ranch Road at SanDisk Drive. Ms. Gilli recommended to Adopt Resolution No. 08-068 recommending approval of the project to the City Council subject to Conditions of Approval.

Commissioner Ciardella asked if there was enough room to get in and out of the garage area. Ms. Gilli stated yes there is enough room.

Commissioner Galang asked if there was covered parking for the townhomes. Ms. Gilli stated that there are 2 covered spaces for the townhomes.

Chair Williams asked if the applicant submitted color chips. Ms. Gilli stated not in this case. Chair Williams stated this project was presented to the Commission before. He asked if the project was approved at that time. Ms. Gilli stated it was denied. Chair Williams asked what was the reason for denial. Sheldon Ah Sing, Senior Planner, stated that the reason for denial was the incompatibility of the use. Chair Williams asked about the logistics of busing the children to the nearest schools. Ms. Gilli said that there was no discussion about the schools. The focus was on the site design, open space, and parking.

Sean Finch, Fairfield Development, 2410 Camino Ramon, San Ramon, CA 94582, said that this project was approved and that the intent is to enhance and improve what already existed while still preserving access to the site circulation from the public right-of-way through the site.

Chair Williams asked the applicant if he submitted a color pallet to staff as part of the record since the color scheme has changed. Mr. Finch said yes.

Vice-Chair Mandal asked if there are any special conditions to consider since the project is in the middle of an industrial area. Mr. Finch said that they will pay additional fees for sewer, water, and things of that nature. Vice-Chair Mandal also asked if there will be a HOA fee. Mr. Finch said yes.

Commissioner Ciardella asked if there is any fencing separating the trail from the project. Mr. Finch stated the only fencing proposed for the project is around the pool area.

Commissioner Tabladillo asked if there is a stop sign at the median along Murphy Ranch Road. Mr. Finch stated yes at the intersections there will be stop signs. Commissioner Tabladillo also asked about slope landscaping. Mr. Finch said that the slope area would be dirt for the time being. Commissioner Tabladillo is concerned with the dirt getting into the street and asked staff to follow up on this issue with San Jose Water Works.

Chair Williams is concerned with the children school bus pickup. He asked if the school bus would go through the complex for pickup or would the children have to go to Murphy Ranch Road for pickup. Mr. Finch stated that they did not have any discussion with the school district since the last approval from City Council. Chair Williams asked about the tandem parking and what was the deciding factor in decreasing the parking from 33 to 21. Mr. Finch stated they wanted to remove some of them but was unable to remove all of them.

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Motion to close the public hearing.

M/S: Sandhu, Mandal

AYES: 6

NOES: 0

ABSENT: 1 (Aslam Ali)

ABSTAIN: 0

Commissioner Ciardella stated that he would like to see the City possibly put some kind of rock product on top of the levy for the walkway.

Commissioner Tabladillo stated she wants to make sure that the residents are safe when they go to and from work and that it has high safety standards. She wants to stress to staff that they make sure the developers work hand and hand with the Santa Clara Water District that the slope area is well protected and that no mud comes down from the slope.

Chair Williams asked staff if there is any street parking on Murphy Ranch Road. Mr. Lindsay stated that there is no available street parking on Murphy Ranch Road. Chair Williams is also concerned with the schools and the children getting to and from school safely.

Motion to adopt Resolution No. 08-068 recommending approval of the project to the City Council subject to Conditions of Approval.

M/S: Ciardella, Galang

AYES: 5

NOES: 1 (Williams)

ABSENT: 1 (Aslam Ali)

ABSTAIN: 0

**6. ZONING
AMENDMENT NO. ZA08-
009, CONDITIONAL USE
PERMIT NO. UP08-0039
AND ENVIRONMENTAL
ASSESSMENT NO. EA08-
0007**

Cindy Hom, Assistant Planner, presented a request to amend the City of Milpitas Zoning Ordinance to conditionally permit farmer's markets in the Industrial Park Zoning Districts (Section 35) and include as Special Use (Section 13) of the Milpitas Zoning Ordinance. The application request also includes a Conditional Use Permit and Environmental Assessment to allow for the establishment of a farmer's market that will be operated all year on Sundays between the hours of 7:00 a.m. to 1:00 p.m. at the India Community Center located at 525 Los Coches Street. Ms. Hom recommended to Adopt Resolution No. 08-067 recommending approval to the City Council, subject to Conditions of Approval.

Vice-Chair Mandal asked the difference between this location compared to the Sports Center location. Ms. Hom said that the Sports Center Farmer's market was adjacent to commercial retail uses and another retail building to the west side of the Sports Center. The new farmer's market is sited on a community Center which does have available parking. Also, the community center is implementing a traffic handling plan which the Sports Center did not have.

Commissioner Galang asked if the vendors would have designated parking areas. Ms. Hom stated that the vendors would have designated parking areas in the rear of the building and along Los Coches Street.

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Anil Godhwani, India Community Center, 525 Los Coches Street, Milpitas, stated the farmer's market will bring the community together and they have worked with the City the past 4 months on the parking situation.

John, Pacific Coast Farmer's Market Assoc., 5056 Commercial Circle, Concord, CA, stated the goal is to make this a true community event.

Chair Williams asked how they would keep the flow going so there is not a crowd in front of the market and people not going into the street. John said the people would be coming in from different locations so there is no bottleneck what so ever.

Vice-Chair Mandal asked what ICC and PCFMA have done jointly to make this event run smoothly. Mr. Godhwani stated both organizations will have staff and volunteers helping out. They chose Sunday mornings because not that many people use the ICC facilities on Sundays.

Motion to close the public hearing.

M/S: Sandhu, Mandal

AYES: 6

NOES: 0

ABSENT: 1 (Aslam Ali)

ABSTAIN: 0

Motion to adopt Resolution No. 08-067 recommending approval of the project to the City Council subject to Conditions of Approval.

M/S: Sandhu, Mandal

AYES: 6

NOES: 0

ABSENT: 1 (Aslam Ali)

ABSTAIN: 0

**X.
ADJOURNMENT**

The meeting was adjourned at 9:17 p.m. to the next regular meeting of January 14, 2009.

Respectfully Submitted,

James Lindsay
Planning & Neighborhood
Services Director

Yvonne Andrade
Recording Secretary

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